

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION

IN RE:	}	
Donald Yelton	}	Case No. 09-40314
Joan Yelton,	}	Motion to Shorten Notice
	}	
	}	
	}	
	}	Chapter 11 Proceeding
DEBTORS	}	

NOW COMES H. Trade Elkins, Attorney for the Debtors in the above-captioned proceeding, respectfully moving the Court, pursuant to Local Rule 9006-1, for an Order Shortening the Notice of Motion to Excuse Debtor from Attendance at §341 Meeting, and in support of the Motion would demonstrate as follows:

- 1) The Debtor seeking the relief in the underlying Motion has not been able to attend the §341 Meeting due to his poor health, and the Bankruptcy Administrator has a duty to examine him absent Court Order to the contrary.
- 2) Upon information and belief, the Administrator has already received the information needed in this matter from the co-debtor and is prepared to move forward with administration of this Chapter 11 case.
- 3) All parties necessary to determine the merits of the underlying Motion will be present in Court on the date set for disposition of the underlying matter, such parties being counsel for the debtors and the Bankruptcy Administrator.
- 4) There is no advantage to be gained, nor any prejudice which may arise from the Movant's request to shorten notice in this instance.
- 5) That per local rule, this motion to sell would normally require a 15 day notice period, but that exigent and proper circumstances exist which call for the issues and controversies be heard in an expedited fashion, namely the Bankruptcy Administrator's opportunity to move forward with administrative duties and removing the burden of attendance from the ill individual's tasks to accomplish.

WHEREFORE, your Movant respectfully requests the Court:

- 1) Order the notice period for the pending Motion to Excuse Debtor from §341 Meeting be shortened from 15 days to 5 days, and further Order that the hearing shall be conducted on July 31, 2009 at 9:30AM or as soon thereafter as the parties may be heard.
- 2) For such other and further relief as the Court may determine appropriate.

Respectfully submitted this the 23rd day of July, 2009.

H. Trade Elkins
228 6th Avenue East – Suite 1B
Hendersonville, NC 28792
(828) 692-2205
NC BAR #29197